

REMARKS

Applicants have carefully considered the September 20, 2005 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-10 were pending in this application. In response to the Office Action dated September 20, 2005, claim 6 has been canceled and claims 1 and 7 have been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification, including page 16, Table 1, col. 6 under the title of "Dielectric constant". Applicants submit that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

The Examiner objected to the drawings/specification on the ground that reference numbers 6 and 7 appear in the drawings but are not used specifically in the detailed description. Applicants respectfully traverse.

Applicants have amended drawing FIGS. 7-10 to more clearly depict the plating 7 on the surface of metal powder 1, as described on page 24 of the specification. Similarly, the specification has been amended at page 24 to identify reference numeral 7 as "plating 7". With respect to reference numeral 6 (as shown in FIG. 15), the specification at page 29, line, identifies reference numeral 6 as "composite powder particle". Accordingly, both reference numerals are described in the specification in compliance with 37 C.F.R. 1.84(p)(5). Reconsideration and withdrawal of the drawing objection are solicited.

Claims 1-10 were rejected under the first paragraph of 35 U.S.C. § 112 for lack of enabling support, on the ground that the specification fails to disclose the frequency range at which the claimed dielectric constant is determined. Claims 1-10 were also rejected under the second paragraph of 35 U.S.C. § 112 for failure to recite essential elements, specifically, the frequency range for determining the dielectric constant. Applicants respectfully traverse the rejections in view of the foregoing amendment to claim 1.

Independent claim 1 has been amended to recite a high dielectric constant composite material having a dielectric constant of 15 or above in the frequency region of from 100 MHz to 40 GHz. Support for the amendment is found in page 16, Table 1, col. 6 under the title of “Dielectric constant”. Thus, amended claim 1 recites and the written description discloses the frequency at which the dielectric constant is determined. Therefore, it is respectfully submitted that the imposed rejections of claims 1-10 under 35 U.S.C. § 112, first and second paragraphs, are not legally viable and hence, Applicants solicit withdrawal thereof.

Claims 1-3, 8 and 9 are rejected under 35 U.S.C. § 102(b) as anticipated by Walpita et al. (U.S. Patent No. 5,962,122, hereinafter “Walpita”). Applicants respectfully traverse the rejection.

Claims 1-3 and 9 are rejected under 35 U.S.C. § 102(b) as anticipated by Tanisho et al. (U.S. Patent No. 5,856,395, hereinafter “Tanisho”). Applicants respectfully traverse the rejection.

Claims 1-3, 8 and 9 also are rejected under 35 U.S.C. § 102(e) as anticipated by Wong et al. (U.S. Patent No. 6,544,651, hereinafter “Wong”). Applicants respectfully traverse the rejection.

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The Examiner indicated that claims 4-7 and 10 would be allowable if recast in independent form and rewritten to overcome the rejections under the first and second paragraphs of 35 U.S.C. § 112. The subject matter of claim 6 has been added to independent claim 1. Applicants, therefore, submit that the rejections under 35 U.S.C. § 102 are moot and claims 1-5 and 7-10 are patentably distinct over the applied references.

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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AMENDMENT TO THE DRAWINGS

The attached replacement drawing sheets include changes to Figures 7-10. These replacement sheets replace the original sheets 3/7 and 4/7 containing Figures 7-10.